



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

January 28, 2002

Joyce Robbins  
23307 132nd SE  
Kent, WA 98042-3207

Dear Mrs. Robbins:

This letter is in response to our meeting of December 14, 2001. In that meeting we discussed your application for a new water right, G2-28909, in the Cole Point peninsula area of Anderson Island. The application is for 90 gallons per minute and 201 acre-feet per year for multiple domestic use.

As discussed in our meeting, Ecology is at a point where we can process your application. This follows completion of the recent study, *Investigation of Water Resources, Water Quality, and Seawater Intrusion, Anderson Island, Pierce County, Washington*. In this study Ecology assessed the quantity and quality of the ground-water supply on Anderson Island. As suspected, the biggest single threat to the ground-water supply is seawater intrusion.

The study pinpoints three areas on Anderson Island where seawater intrusion appears to be occurring in the Sea Level aquifer. These areas include Otso Point, Lyle Point peninsula, and Cole Point peninsula.

Ecology is concerned about allowing additional withdrawals of ground water from the Sea Level aquifer in these areas. Any additional withdrawal of ground water could exacerbate the seawater intrusion problem, especially for people with near-shore wells. Additionally, on Cole Point peninsula, existing water rights G2-24334 C and G2-26981G have not been perfected. This means that water has been allocated but not yet withdrawn.

Ecology is bound by law to protect the quality of ground water in Washington State. This is specified in WAC 173-200-030, the *Antidegradation policy*. Additionally, senior water-right holders are protected by WAC 173-150-080, which addresses issues of impairment.

That said, Ecology's concerns do not prevent you from drilling and testing a well. It is the applicant's responsibility to demonstrate that a new withdrawal will not exacerbate an existing seawater intrusion problem. Drilling and testing is not a guarantee, however, that a water right permit will be issued.

In our meeting we discussed the possibility of attempting to drill into a deeper aquifer, below the Sea Level aquifer. The availability of deeper, usable ground-water supplies in this area is not known. If there is not a usable supply, you still have the option of testing in the Sea Level



January 28, 2002  
Page 2

aquifer. When you are ready, we can draft a preliminary permit under which you can drill and test your well.

Keep in mind that issuance of a preliminary permit starts a clock ticking. The duration of a preliminary permit is normally for a year. If the requirements of a permit are not fulfilled within the designated time, an extension must be requested. If a preliminary permit expires, the associated water-right application is cancelled by law. I emphasize this because some stakeholders - even municipalities - have lost their place in the water-right "line" due to this technicality.

Please call me if you have questions or need assistance. I can be reached at (360) 407-6258.

Sincerely,



Christine Neumiller  
Water Resources Hydrogeologist  
Southwest Regional Office

CN:th

cc: Tom Culhane, Ecology SWRO WR  
Mike Krautkramer, Robinson & Noble



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

November 18, 1997

Mark Holcomb  
Bonneville, Viert, Morton & McGoldrick  
PO Box 1533  
Tacoma, WA 98401

Re: Application for Water Right G2-28909

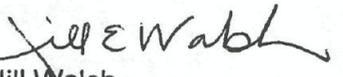
Dear Mr. Holcomb:

Thank you for your letter regarding View Heights and the status of a watershed assessment for that area. As we discussed, this water right application is located on Anderson Island within Water Resources Inventory Area 15, a basin that includes several distinct sub-basins situated within Kitsap, Pierce, King and Mason Counties.

Currently, Ecology is participating in a study along with the Tacoma-Pierce County Health Department and the USGS, to assess ground water conditions on Anderson Island, especially as relates to sea-water intrusion concerns. While this assessment will tentatively be completed next summer, I cannot tell you with any certainty when this application will be scheduled for further review.

Feel free to contact me at (360) 407-0274 if you have any further questions.

Sincerely:

  
Jill Walsh  
Water Resources Program  
Southwest Regional Office

CC: G2-28909



# Bonneville, Viert, Morton & McGoldrick

A PROFESSIONAL SERVICE CORPORATION  
ATTORNEYS AT LAW

CHRISTOPHER E. ALLEN  
JAMES A. CATHCART  
MARC H. COCHRAN\*  
KENNETH FIELDING  
JAMES V. HANDMACHER

MARK E. HOLCOMB  
DAVID MCGOLDRICK  
JOHN C. MOORE  
JAMES H. MORTON

SHERRY CLARK PETERSON  
KATHLEEN E. PIERCE  
CHARLES F. SCHMIT, JR.  
DALE M. SCHUMAN

\*LL.M (Taxation)

Respond to: 820 "A" Street, Suite 600  
PO Box 1533  
Tacoma, Washington 98401  
TACOMA: (253) 627-8131  
SEATTLE: (253) 838-7190  
TELECOPIER: (253) 272-4338  
E-mail Address: bvmm@nwlink.com

RECEIVED

97 NOV 17 10:50

FRANK C. NEAL (1878-1969)  
L.R. BONNEVILLE, SR. (1894-1979)  
L.R. BONNEVILLE, JR. (1920-1978)  
WILLIAM G. VIERT (RETIRED)

November 13, 1997

Department of Ecology  
Att: Jill Walsh, Water Resources  
P. O. Box 47775  
Olympia, WA 98504-7775

Re: Ground Water Application No. G2-28909  
Preliminary Plat of View Heights, Division I  
(formerly View Point, Division I)

Dear Ms. Walsh:

I am writing as a follow-up to our recent telephone conversation regarding the above-referred application. As indicated, this office represents the applicant, who has a pending preliminary plat for the 16.6 acre parcel known as View Heights, Division I. View Heights is located on Anderson Island. I am enclosing a copy of your Department's letter to Robert Montgomery dated May 17, 1995. Since the initial application for the preliminary plat of View Heights, the zoning has changed and it is extremely important for the client to preserve the preliminary plat application. Pierce County has requested periodic updates regarding the status of water rights. I am writing to request written confirmation from your office regarding the status of the situation on Anderson Island regarding the Watershed Assessment program and pending applications for ground water. Thank you for your assistance.

Very truly yours,  
DICTATED AND SENT WITHOUT  
SIGNATURE TO AVOID DELAY

Mark E. Holcomb

MEH:gpm

Enclosure

cc: Client

G:\LAWTYPE\REIMH\LETTERS\DEPECO.ROB





COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (206) 407-6300

May 17, 1995

Robert Montgomery  
P.O. Box 2517  
Kirkland, WA 98083-2517

Dear Mr. Montgomery:

Re: Request for a Preliminary Permit in Conjunction with Ground  
Water Application No. G2-28909

This office is in receipt of your letter requesting a Preliminary Permit to authorize the drilling and testing of a production well under the above referenced application for water right. We apologize for the length of time it has taken to respond to your request.

As you may be aware, the Water Resources Program has gone through budget cuts that have left the program with very limited staff to process applications for permit decisions. As a result Ecology has determined that applications involving public health or safety emergencies, such as contaminated public water supply wells, will be actively evaluated.

We will also give priority to applications for changes in existing water rights, short-term uses such as road building, water rights that implement regional plans, are part of public projects, are drought related, benefit water and related resources, or are non-consumptive.

Preliminary Permits may be issued at Ecology's discretion, and are intended to provide the Department with the information needed to assess water availability, public interest, and impairment of existing rights. As decisions on the vast majority of pending applications will be delayed indefinitely, it is Ecology's position that issuance of a Preliminary Permit for your project would be premature.

Ecology is also placing emphasis on a Watershed Assessment Program designed to evaluate how much water is available in different basins in the state. This information will support regional planning, enforcement and future permitting. Information gathered through Basin Assessment projects will limit the need for applicant to conduct drilling and testing under Preliminary Permits.



COPY

COPY

Robert Montgomery  
Page 2  
May 17, 1995

It is important to note that a Watershed Assessment for Anderson Island has not yet been scheduled. Ecology and the Tacoma- Pierce County Health Department, are, however, very concerned that the withdrawal of additional ground water from Anderson Island's aquifer system will exacerbate existing problems with sea-water intrusion.

It you have any questions, feel free to contact me in Olympia at (360) 407-0274.

Sincerely,

*Jill Van Hulle*  
Jill Van Hulle  
Water Resources

JVH:th





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It you have any questions, feel free to contact me in Olympia at (360) 407-0274.

Sincerely,



Jill Van Hulle  
Water Resources

JVH:th



December 8, 1993

Brad Harp  
Water Resources Section  
Tacoma-Pierce County Health Department  
3629 South D Street  
Tacoma, Washington 98408-6897

Mr. Harp:

Please find enclosed a copy of Water Right Application No. G2-28909, submitted by Joyce Kleppen. I have also enclosed a copy of a letter from a Robert Montgomery, consultant to Ms. Kleppen, and copies of the site plan, and maps. The applicant proposes a withdrawal of 90 gpm from an aquifer located at approximately -40 to -60 msl, to serve 70-80 single family residences.

Please review this application for any concerns you may have regarding planning issues and/or water withdrawals and water supply issues on Anderson Island. If you have any questions feel free to contact me at 753-2968.

Sincerely,

Don Davidson  
Water Resources

DD:th  
Enclosures

cc: File No. G2-28909  
Chuck Lehotsky, DOE



# Affidavit of Publication

STATE OF WASHINGTON, } S.S.  
COUNTY OF PIERCE }

Donna Gebo being first duly sworn,

an oath deposes and says that he/she is the Bookkeeper of THE PENINSULA GATEWAY, a weekly newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper in Gig Harbor, Pierce County, Washington, and it is now and during all of said time was printed in an office maintained at the aforementioned place of publication of said newspaper.

That the annexed is a true copy of a \_\_\_\_\_

Application to appropriate public waters

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of

Two (2) consecutive weeks, commencing on the

6th day of October, 1993, and ending on

the 13th day of October, 1993 both dates inclusive,

and that such newspaper was regularly distributed to its subscribers during all of said period.

That the amount of the fee charged for the foregoing publication in the sum of \$ 48.36 which amount has been paid in full, or billed, at the legal rate according to RCW 65,16.090.

Donna Gebo

Subscribed to and sworn before me this 15 day of October, 19 93.

Marcia Rogala  
Notary Public in and for the State of Wahsington.

Residing at Gig Harbor Wa

**Application to appropriate public waters**  
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
**NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS**  
TAKE NOTICE:  
That Joyce Kleppen of Kent, Washington on August 26, 1993 under Application No. G2-28909 filed for permit to appropriate public waters, subject to existing rights, from a well in the amount of 90 gallons per minute as needed year round each year, for multiple domestic supply. The source of the proposed appropriation is located within E1/2 of Section 9, Township 19 N., Range 1E, W.M., in Pierce County.  
Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee (check or money order only, cash will not be accepted) and filed with the Department of Ecology, at the address shown below, within thirty (30) days from October 13, 1993.  
Department of Ecology, Water Resources, P.O. Box 47775, Olympia, Washington 98504-7775.



STATE OF WASHINGTON  
DEPT. OF ECOLOGY  
NOTICE OF APPLICATION  
TO APPROPRIATE  
PUBLIC WATERS

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Department of Ecology  
Water Resources  
P.O. Box 47775  
Olympia, WA 98504-7775

# AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }  
County of Pierce } ss.

Tamara Duncan, being first duly sworn, on oath, says: that she is the legal clerk of THE *MORNING NEWS TRIBUNE*, a daily newspaper published in Tacoma, Pierce County, Washington, and of general circulation in said state, and having a daily circulation of over 148,200 copies. That said newspaper is now and at all of the times hereinafter mentioned was a legal newspaper as defined by the laws of this State, duly approved by the Superior Court of Pierce County, Washington.

That the Advertisement, of which the attached is a printed copy as it was published in the regular issues of said newspaper, was published once each

week for two consecutive weeks commencing on the 1st day of October, 1993, and ending on the 8th day of October, 1993.

That the full amount of the fee charged for said publication was the sum of \$105.30\*\*\*\*\*

Tamara Duncan

Subscribed to and sworn before me on this 11th day of October, 1993.

Maureen E. Dossky  
Notary Public in and for the State of Washington,  
Residing at Tacoma, Pierce County, Washington

CHRISTINE O. GREGOIRE  
Director



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

September 21, 1993

Joyce Kleppen  
23307 132nd SE  
Kent, Washington 98042-3207

Dear Mr. Kleppen:

Re: Ground Water Application No. G 2-28909

Your application for the appropriation of water has been assigned the above referenced number. Please refer to this number in future correspondence.

Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a qualified legal newspaper of general circulation in the County or Counties in which the storage, diversion, and use is to be made and in other newspapers as directed. A list of these newspapers in your county is enclosed. The applicant is responsible for the payment of the publication. Please read the notice carefully to make sure it is correct. Should you find an error, please return the notice to our office for correction.

You should mail or deliver the enclosed notice to a newspaper regarding publication as soon as possible. When you receive the affidavit of publication with the news clipping from the newspaper, please forward the original to this office promptly. Further processing of the application will not be made until the affidavit is returned.

Since your application is for service of more than one residence, it is considered a public water supply. Public water supply systems are required to be approved by either the Local Health Department or the State Department of Health, depending upon system size. If you have not already done so, I suggest that you contact your Local Health Department or DOH, Drinking Water Section, Olympia, Washington, for further information.

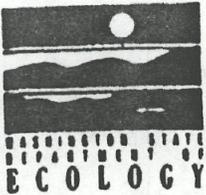
A site investigation will be made by this office before we issue a permit decision. In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,

Handwritten signature of Sheri Fox in cursive script.

Sheri Fox  
Water Resources  
SF:th Enclosures





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS**

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*(Last date of publication to be entered above by publisher)*

DEPT OF ECOLOGY  
WATER RESOURCES  
PO BOX 47775  
OLYMPIA WASHINGTON 98504-7775



NOTICE

CHRISTINE O. GREGOIRE  
Director



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

December 8, 1993

Brad Harp  
Water Resources Section  
Tacoma-Pierce County Health Department  
3629 South D Street  
Tacoma, Washington 98408-6897

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Please review this application for any concerns you may have regarding planning issues and/or water withdrawals and water supply issues on Anderson Island. If you have any questions feel free to contact me at 753-2968.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Davidson".

Don Davidson  
Water Resources

DD:th  
Enclosures

cc: File No. G2-28909  
Chuck Lehotsky, DOE